

New York

The 22nd Amendment to the Constitution, which limits a person to being elected to the presidency two times, and sets additional eligibility conditions for presidents who succeed to the presidency, was voted out of Congress by a supermajority vote in both chambers. Between 1947 and 1951, the 22nd Amendment was ratified by 41 state legislatures and officially came into effect after 36 states ratified the amendment in February 1951. Since the history of the 22nd Amendment's passage and the intent of those who ratified it has become relevant again, this factsheet is part of a series covering each state's ratification process.

New York's consideration of the 22nd Amendment:

- The New York legislature voted to ratify the 22nd Amendment on March 9, 1948.
- In January 1948, New York Governor Thomas Dewey (R) urged the passage of the amendment, admonishing the legislature, "I am sure that you will be interested to know that when the State of New York ratified the Constitution of the United States at a convention held in 1788, that convention strongly urged the following amendment to the Constitution: 'That no person shall be eligible to the office of President of the United States a third term.'"
- Governor Dewey was the [1944](#) and would be the [1948 Republican](#) nominee for the presidency. Dewey's announcement was met with immediate

State Senate Approves Limit To Two Terms

● Albany, N.Y.—By a vote of 40 to 13 the Senate yesterday approved the proposed constitutional amendment limiting U. S. presidents to two terms.

If the Assembly approves, as expected, New York will have become the 19th state to vote for ratification of the amendment.

The 13 negative votes were cast by Democrats. However,

Four Are Killed In Greek Clash

● Athens, GREECE—Four persons, including a British soldier, were killed yesterday when Greek rebels launched a mortar attack

three Democrats, including Minority Leader Elmer F. Quinn, voted for it.

Governor Dewey, a candidate for the Republican presidential nomination, two weeks ago urged the Legislature to approve the amendment.

Empire State 20th to Ratify 2-Term Limit

Albany—(AP)—New York is the 20th state to approve the proposed Constitutional amendment to limit U. S. presidents to two terms.

The Assembly over solid Democratic opposition, voted 103-43 yesterday to limit presidential tenures. The Senate passed the amendment 40-13 last month.

Governor Dewey, a candidate for the Republican presidential nomination, had urged the GOP-controlled Legislature to endorse the amendment which must be approved by 36 states before becoming effective.

Democrats, who opposed the two-term Presidential amendment on legal and political grounds, were joined by one Republican in voting against the measure. He was Assemblyman William J. Dohran of the Bronx.

The only American Labor Party member in the larger house, Samuel Kaplan of Brooklyn, also voted "no" to the proposal.

Democratic Assemblyman Owen D. McGivern of New York City contended that approval of the amendment by the Republican-controlled House of Representatives last year was invalid. He argued that the required quorum was not present when the House adopted the resolution.

The amendment would prohibit election to the presidency more than twice or more than once in the case of a person who had held the office for more than two years.

This, in effect, would limit possible maximum service to 10 years where a president completed a term to which another was elected.

criticism from Senate Democratic [Leader](#) Elmer F. Quinn, who said, "It is an insult to the memory of the greatest president for the governor to make this suggestion while his excellency is seeking the nomination as [president](#)."

- On January 26, 1948 a concurrent resolution was introduced in both the State Assembly and [Senate](#) by Republican Senator Pliny W. [Williamson](#) and Republican Assemblyman Harry A. [Reoux](#).
- Despite the political posturing, on February 10, 1948, the Senate voted to ratify the amendment on a bipartisan basis 40 to 13. Three Senate Democrats [voted in favor](#) of ratification, including Democratic Leader Quinn.
- The New York State Assembly [passed](#) the amendment by a vote of 103 to 44 on March 9, 1948.
- The amendment [passed](#) over the opposition of much of the Democratic caucus of the State Assembly, who were joined in voting no by Republican Assemblyman William J. Drohan.

Cases involving the 22nd Amendment in New York:

- The limited case law from New York courts addressing the 22nd Amendment use it as a reference point for the legality and ubiquity of term limits for certain public offices.
- In [Roth v. Cuevas](#), a petitioner filed a motion seeking to have the court validate initiative petitions filed with the city clerk to amend the New York City Charter to establish a limit on the number of consecutive terms of office that various elected officials could serve.
- In establishing the constitutionality of the proposed local law, the court cited the West Virginia Court of Appeals and the 22nd Amendment: "Constitutional restrictions circumscribing the ability of incumbents to succeed themselves appear in over twenty state constitutions, and exist in the Twenty-second Amendment to the Constitution of the United States with regard to the Presidency. The universal authority is that restriction upon the succession of incumbents serves a rational public policy and that, while restrictions may deny qualified men an opportunity to serve, as a general rule the over-all health of the body politic is enhanced by limitations on continuous tenure." 603 N.Y.S.2d 962, 972 (Sup. Ct.), aff'd, 603 N.Y.S.2d 736 (1993), aff'd, 624 N.E.2d 689 (1993).
- In [Spota v. County of Suffolk](#), the defendant, Suffolk County, sought summary judgment upholding the county's 12-year term limits on various elected offices. Despite rejecting the county-specific term limits on district attorneys, sheriffs and county clerks as unconstitutional under New York state law, the Court cited the 22nd Amendment in acknowledging the general rationale in favor of term limits: "First and foremost, term limits are not *per se* illegal. Simultaneously, the concept is in no way inherently immoral or unjust. To the contrary, for generations they have been accepted as a part of the political process. See, U.S.

Const., Amendment XXII (President of the United States limited to two terms)." The Court continued: "First of all, there can be no dispute that term limits are qualifications for an elected office. That issue has been resolved. They have been succinctly, clearly, and simply so-labeled by no less than our Nation's highest judicial authority." 2012 N.Y. Misc. LEXIS 4633, *33, 38 (Sept. 25, 2012 Sup. Ct.).